

EXHIBIT B

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January 21, 2022

By Electronic Mail

The Honorable Alan D. Albright
United States District Judge
United States District Court for the Western District of Texas
800 Franklin Avenue
Waco, Texas, 76701
Jeffrey_Gunnell@txwd.uscourts.gov

Re: WSOU Investments LLC v. Google LLC, Nos. 20-571, 20-572, 20-575, 20-576, 20-579, 20-580, 20-583, 20-584, 20-585 (W.D. Texas); Google LLC v. Terrier SSC, LLC 21-1269 (W.D. Texas); and Google LLC v. BP Funding Trust 21-1270 (W.D. Texas)

Dear Judge Albright:

I write to update the Court on the parties' efforts to meet and confer concerning the pending motions to compel filed as to BP Funding Trust ("BP") and Terrier SSC, LLC ("Terrier") (*Google LLC v. BP Funding Trust*, No. 21-1270 (W.D. Texas) and *Google LLC v. Terrier SSC*, No. 21-1269 (W.D. Texas)), as well as the motion for protective order filed by WSOU regarding the subpoenas propounded on BP and Terrier (*see e.g.*, No. 20-571, Docket Nos. 61 & 64) (collectively, "the BP/Terrier Motions"). At the request of counsel for BP and Terrier, the Court vacated the December 27, 2021 hearing date on the BP/Terrier Motions and requested that the parties meet and confer and report back to the Court. Since that time, on two separate occasions, counsel for Google and counsel for BP and Terrier have met and conferred. Most recently, the parties met and conferred on Friday, January 14, 2022. Counsel for BP and Terrier have stated that they intend to move forward with seeking consolidation of the issues presented in the BP/Terrier Motions with two defendants in separate litigations filed by WSOU; Dell and ZTE. Google informed counsel for BP and Terrier that it would not oppose such consolidation, provided that the hearing on the BP/Terrier Motions took place in January. Google has been seeking resolution of the issues presented in these motions since they were filed in early October. Depositions for which the discovery sought is relevant are scheduled in February, and fact discovery is scheduled to close in these matters on February 25, 2022.

Both ZTE and Dell have informed counsel for BP and Terrier that they oppose any motion for consolidation, and there appear to be disputes between these other defendants and counsel for BP and Terrier on many issues that do not involve Google or its request for a hearing on motions long briefed. Counsel for BP and Terrier has stated that it intends to file a motion to consolidate no later than Friday, January 21, 2022. Counsel for BP and Terrier also intends to propose a supplemental briefing schedule regarding the BP/Terrier Motions, in the event its request for consolidation is granted.

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Simply put, BP and Terrier's consolidation request creates unnecessary delay of the hearing and resolution on the fully briefed BP/Terrier Motions. Google respectfully requests that this Court schedule a hearing on the pending motions in advance of or on February 1, 2022.

Counsel for BP and Terrier were presented with this request in advance of Google submitting it to the Court, and submitted the following: The motions Google wants decided concern my clients, non-party subpoena recipients. Today, my office is in the midst of filing a motion for partial consolidation, seeking to consolidation proceedings related to my clients, which WSOU will be joining, and which is directly related to Google's motions, and which we are asking be heard together with the motions Google discusses in its letter that it provided me with yesterday. In addition to the forthcoming consolidation motion that is relevant to Google's motions, another defendant, Dell, has advised this morning as follows: "We confirmed with our client and are willing to join Google's motion to compel discovery from BasePoint." I proposed that Dell should submit its brief in support of Google's position by January 28, and that my office would have until February 4 to respond to Dell's filing. As I proposed in a briefing schedule early this week, I think that both the Google Motions and my clients' forthcoming consolidation motion (which WSOU will be joining) should be heard together, the week of February 7 or February 14, after briefing is completed on the consolidation motion, on regular notice. I do not believe that there is actually any good reason that Google's motions need to be heard sooner than during the times I have proposed, other than that Google wants it soon and that Google is also trying to effectively moot the consolidation motion with scheduling jiu jitsu, but I have not had a chance to properly confer with Google about that yet (since I am in the middle of filing the consolidation motion and they sprung this on me yesterday). I will endeavor to confer with Google on Monday and have a further and more considered update for the Court about Google's scheduling proposal after Google discusses the matter with me.

Counsel for Brazos was also notified and states that Brazos supports consolidation to ensure efficient resolution of these issues for the various parties spread over so many cases, the non-parties from whom discovery is sought, and for the Court. The legal issues presented by the various defendants' respective subpoenas concern the same subject matter (standing) and seek discovery of mostly the same facts related to that issue (e.g., whether an event of default occurred such that Brazos no longer has standing to sue). No party, and certainly no non-party, should have to face multiple hearings or depositions across various cases to resolve these issues. And the fact that these many defendants cannot agree on how to resolve even basic issues like when the depositions should occur or how long that deposition should be only underscores why consolidation is warranted.

We thank the Court for your consideration of this matter.

Very Truly Yours,



Jennifer A. Kash